

**IN THE UNSITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PENOVIA, LLC

Plaintiff,

v.

VOXX INTERNATIONAL CORPORATION
D/B/A AUDIOVOX,

Defendant.

§
§
§
§
§
§
§
§
§

Civil Action No.: 2:14-cv-167-JRG

JURY TRIAL DEMANDED

**DEFENDANT VOXX INTERNATIONAL CORPORATION D/B/A AUDIOVOX'S
ANSWER TO PLAINTIFF'S ORIGINAL COMPLAINT**

Defendant Voxx International Corporation ("Defendant" or "Voxx") hereby answers and responds to Plaintiff's Original Complaint ("Complaint") as follows. Voxx denies any and all allegations not specifically admitted herein.

THE PARTIES

1. Voxx denies the allegations of paragraph 1.
2. Voxx admits the allegations in paragraph 2 of the Complaint.

JURISDICTION AND VENUE

3. Voxx admits that Plaintiff has asserted this action under 35 U.S.C. § *et seq.* Voxx denies any infringing activity under Title 35 of the United States Code and thus denies that proper subject matter jurisdiction exists under 28 U.S.C. §§ 1331 and 1338.

4. Paragraph 4 of the Complaint contains legal conclusions to which no response is required. To the extent that an answer is required, Voxx denies the allegations in paragraph 5 of the Complaint. Specifically, Voxx denies any infringing activity under Title 35 of the United States Code and thus denies that proper subject matter jurisdiction exists under 28 U.S.C. §§ 1331 and 1338.

5. Voxx denies the allegations in paragraph 5 of the Complaint.

6. Paragraph 6 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Voxx denies the allegations in paragraph 6 of the Complaint.

THE PATENT-IN-SUIT

7. Voxx admits that Exhibit A purports to be a copy of U.S. Patent No. 5,822,221 (the “221 Patent”), that the ‘221 Patent on its face purports to be entitled “Office Machine Monitoring Device”. Voxx denies the remaining allegations in paragraph 7 of the Complaint.

8. Voxx denies the allegations contained in paragraph 8 of the Complaint.

COUNT I – INFRINGEMENT OF U.S. PATENT NO 5,822,221

9. Voxx incorporates its answer and responses to allegations of paragraphs 1 through 8 of the Complaint as if fully reproduced herein.

10. Voxx denies the allegations of paragraph 10 of the Complaint.

11. Voxx denies the allegations of paragraph 11 of the Complaint.

PRAYER

Voxx denies that Plaintiff is entitled to any form of relief, including but not limited to, the relief requested by Plaintiff in paragraphs A through D of the Complaint.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Voxx demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Voxx prays for judgment in its favor and against Plaintiff providing that:

- A. The Original Complaint be dismissed in its entirety, with prejudice, and that Plaintiff take nothing by its Original Complaint;
- B. That Voxx be awarded its costs of suit;
- C. That the instant action is an “exceptional case” under 35 U.S.C. § 285, and awarding Voxx attorneys’ fees and costs; and
- D. That Voxx be awarded such other and further relief as the Court or jury may deem just and proper.

Respectfully submitted,

/s/ Jason D. Mazingo
JASON D. MAZINGO
State Bar No. 24055925
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500
Tyler, Texas 75702
(903) 597 8311
(903) 593 0846 (Facsimile)
dougmcswane@potterminton.com

**ATTORNEYS FOR
VOXX INTERNATIONAL
CORPORATION D/B/A AUDIOVOX**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court’s CM/ECF system per Local Rule CV-5(a)(3) on this the 22nd day of May, 2014. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Jason D. Mazingo
Jason D. Mazingo